

Michelle Anderson - October 12, 2017

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE EASTERN DISTRICT OF TEXAS
 3 MARSHALL DIVISION
 4 IRONSHORE EUROPE DAC, §
 §
 5 Plaintiff, §
 §
 6 V. § NO. 2:17-cv-431
 §
 7 SCHIFF HARDIN LLP, §
 §
 8 Defendant. §

9

10

11 ORAL AND VIDEOTAPED DEPOSITION OF
 12 MICHELLE ANDERSON
 13 OCTOBER 12, 2017

14

15 ORAL AND VIDEOTAPED DEPOSITION of
 16 MICHELLE ANDERSON, produced as a witness at the
 17 instance of the Defendant, and duly sworn, was taken
 18 in the above-styled and numbered cause on the 12th of
 19 October, 2017, from 9:00 a.m. to 5:05 p.m., before
 20 Jennifer Quick Davenport, CSR in and for the State of
 21 Texas, reported by machine shorthand, at the offices
 22 of Parsons McEntire McCleary & Clark PLLC,
 23 1700 Pacific Avenue, Suite 4400, in the City of
 24 Dallas, County of Dallas, State of Texas, pursuant to
 25 Notice and the Federal Rules of Civil Procedure.

Michelle Anderson - October 12, 2017

<p style="text-align: right;">204</p> <p>1 can look at most pleadings and motions and orders in a 2 case? 3 A. I -- I sit in London. I have defense counsel 4 that I rely on -- 5 Q. You have -- 6 A. -- to give me this information. I -- I 7 have -- 8 Q. You just don't know -- 9 MR. McENTIRE: Please let her finish the 10 answer, George. 11 MR. KRYDER: Okay. 12 A. I have 500-plus cases. I don't look at every 13 minute detail -- 14 Q. (By Mr. Kryder) Okay. 15 A. -- which is why I expect the five important 16 areas to be given to me. 17 Q. Okay. And you -- you never -- one of the 18 five important areas was not asking Mr. Judge or 19 anyone at Schiff to provide you with pleadings, 20 motions or orders in the case, correct? 21 A. Correct. 22 Q. All right. And so you say that you weren't 23 aware of what the court's ruling was on that 24 particular matter, but you hadn't asked him for those 25 particular rulings, correct?</p>	<p style="text-align: right;">206</p> <p>1 and he confirmed that it wouldn't prejudice their 2 preparations in any way or at all or -- I'm -- I'm not 3 sure what his words were -- 4 Q. So you wrote a -- 5 MR. McENTIRE: Please let her finish. 6 She was not finished. 7 A. -- when, in fact, before he told me that the 8 trial date wouldn't prejudice their preparations at 9 all. I think now I understand an order had been 10 passed or a motion had been filed where Jonathan had 11 actually said that the trial date, if the brain injury 12 came in, would severely prejudice his trial 13 preparation, and he would need at least another six 14 months or... 15 Q. (By Mr. Kryder) You never saw that document 16 at the time, correct? 17 A. Correct. 18 Q. And this is something that someone has told 19 you after this lawsuit was filed, correct? 20 A. Yes. All this information is -- well, not 21 after the lawsuit was filed. All this information has 22 come out after the verdict. 23 Q. After the verdict? 24 A. Yes. 25 Q. Okay. And this is information that</p>
<p style="text-align: right;">205</p> <p>1 A. No. I would tend not to check up on defense 2 counsel with everything. I expect them to tell me. 3 Q. Okay. Tell me, then, anything else that you 4 say is a supposed oral or written misrepresentation by 5 Mr. Judge or anyone at the Schiff firm. 6 A. I wasn't aware that punitive damages were a 7 big part of the case. The last I heard was that 8 Jonathan was filing a motion for summary judgment to 9 have them dismissed, and then I think in one of the 10 summaries following that he referred to them in past 11 tense. I was never told that a court order had been 12 passed. 13 Q. And, again, just as with your previous answer 14 about the brain injury case, you did not inquire of 15 Mr. Judge or anyone at Schiff about whether there had 16 been a ruling on the Motion for Summary Judgment 17 concerning punitive damages? 18 A. No. As -- as my last answer stated, I would 19 have expected to be told something that significant 20 from counsel. 21 Q. All right. Is there any other purported oral 22 or written misrepresentation by Schiff that Ironshore 23 is complaining about? 24 A. I -- I believe that I asked Jonathan Judge if 25 the trial date would prejudice our position at all,</p>	<p style="text-align: right;">207</p> <p>1 Mr. Parsons provided to you and Mr. McEntire provided 2 to you -- 3 MR. McENTIRE: Don't answer that 4 question. 5 Q. (By Mr. Kryder) -- correct? 6 THE WITNESS: I wasn't going to. 7 MR. McENTIRE: That question's asked in 8 bad faith. 9 MR. KRYDER: No, it's not bad faith. 10 MR. PARSONS: Of course it is. 11 MR. McENTIRE: You can't ask -- you can't 12 ask a question about conferences with counsel. 13 MR. KRYDER: I'm not asking for the 14 substance. I'm trying to find out if this is 15 something that is a prelude to this lawsuit. 16 A. All this information came out after the 17 verdict. 18 Q. (By Mr. Kryder) All right. Now, you said 19 that you asked Mr. Judge if this punitive damages 20 issue might prejudice -- I'm sorry, the issue about 21 the trial date might prejudice the case? 22 A. Yes. 23 Q. So we can expect to find an email to 24 Mr. Judge in which you ask whether the potential 25 change in the trial date would prejudice the case,</p>

Michelle Anderson - October 12, 2017

<p style="text-align: right;">224</p> <p>1 Q. All right. So you recall receiving the news 2 that Dorel were going to ask the judge to delay the 3 punitive damage proceedings so that they could 4 interact with Ironshore? 5 A. Yes. 6 Q. Okay. And then you understood that the court 7 refused to delay the punitive damages aspect and it 8 was going to go forward? 9 A. Yes. 10 (Exhibit No. 33 marked.) 11 Q. (By Mr. Kryder) I'm going to show you next, 12 Ms. Anderson, what has been marked for identification 13 as Exhibit 33 and ask if you recall this string of 14 communications about the adverse jury verdict? 15 A. Yes. 16 Q. So it appears, from the second page of 17 Exhibit 33, that Mark Hill first heard about the 18 adverse verdict from Mary Faith Green? 19 A. Yes. 20 Q. Okay. And why is it that Mr. Hill is hearing 21 about this adverse verdict from an outside broker 22 instead of hearing from you? 23 A. Because I -- I think this was only 10 minutes 24 after I'd heard, and it was 9 o'clock in the evening 25 my time, so I may not have checked my phone</p>	<p style="text-align: right;">226</p> <p>1 insurance policy did not permit Ironshore to force 2 Dorel to agree to any particular settlement amount, 3 correct? 4 A. That's true. There's no hammer clause in the 5 policy, but there's no consent clause either -- 6 Q. Okay. 7 A. -- so we could have settled. 8 Q. All right. And you're saying that even over 9 Dorel's objection, that Ironshore could have reached a 10 settlement directly with the plaintiff in the case? 11 A. If we had known the true -- true value of the 12 matter, it could have been a decision Ironshore took, 13 yes. 14 Q. But you can't say that Ironshore actually 15 would have made the decision to attempt to settle the 16 case, correct? 17 A. That would have been above my authority. 18 Q. Okay. And you can't say whether Ironshore, 19 in fact, would have been able to achieve a settlement 20 for any particular amount with the Hinsons, correct? 21 A. Well, after the verdict, I was informed by 22 Jonathan Judge that there was a 3.25 million offer 23 made, so it would appear the plaintiffs wanted to 24 settle. 25 MR. KRYDER: Okay. Well, objection;</p>
<p style="text-align: right;">225</p> <p>1 straightaway. 2 Q. Okay. So Mr. Hill receives the news of the 3 adverse verdict -- 4 A. Yes. 5 Q. -- and says WTF, right? 6 A. Yes. 7 Q. You respond to Mr. Hill on the first page of 8 Exhibit 33, they could have settled this below the 9 self-insured retention. 10 Do you see that? 11 A. Yes. 12 Q. What information did you have on June the 13 17th, 2016, that Dorel wanted to settle the case below 14 the self-insured retention? 15 A. None. This is referring back to the previous 16 offer made at the mediation. 17 Q. Which was 6.75 million? 18 A. Yes. I think that's correct. 19 Q. Okay. And it certainly was Dorel's right not 20 to settle a case within its retention, wasn't it? 21 MR. McENTIRE: Objection; form. 22 A. We couldn't have made Dorel settle, but we 23 could have settled. 24 Q. (By Mr. Kryder) Okay. So when you say you 25 could not have made Dorel settle, that's because the</p>	<p style="text-align: right;">227</p> <p>1 nonresponsive. 2 Q. (By Mr. Kryder) You don't have any personal 3 information that the plaintiffs would have settled for 4 any amount below \$6.75 million, do you? 5 MR. McENTIRE: Objection; form. 6 A. Well, I -- 7 MR. McENTIRE: Asked and answered. 8 A. I was on the call when Jonathan told us about 9 the 3 million. 10 Q. (By Mr. Kryder) And we've already talked 11 about that. 12 I'm talking about from -- you understand 13 that -- do you have any information from the 14 plaintiffs themselves that they would have accepted a 15 dollar amount in settlement below 6.75 million? 16 A. I never liaised directly with the plaintiffs. 17 Q. Do you have any information from the 18 plaintiffs that they would have agreed to settle the 19 case without getting a release from Dorel? 20 A. I have never liaised directly with the 21 plaintiffs. 22 Q. Okay. So when you say we could have settled 23 the case without Dorel, that's really speculation on 24 your part, not based on personal knowledge, correct? 25 MR. McENTIRE: Objection; form.</p>

Michelle Anderson - October 12, 2017

I, MICHELLE ANDERSON, have read the
 foregoing deposition and hereby affix my signature
 that same is true and correct, except as noted above.


 MICHELLE ANDERSON



THE STATE OF LONDON

COUNTY OF ENGLAND

COUNTRY

Before me, CRISTINA LEONE, on this
 day personally appeared MICHELLE ANDERSON, known to me
 (or proved to me under oath or through
UK DRIVING LICENCE (description of identity card or
 other document) to be the person whose name is
 subscribed to the foregoing instrument and
 acknowledged to me that ~~they~~^{she} executed the same for the
 purposes and consideration therein expressed.

Given under my hand and seal of office this
21st day of December, 2017.

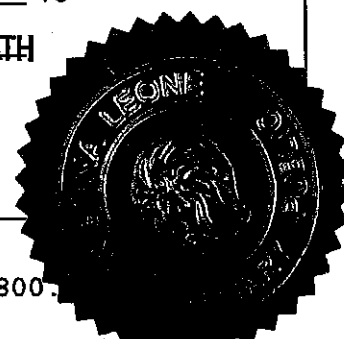

 Notary Public London, England (Cristina Leone)

NOTARY PUBLIC IN AND FOR

THE STATE OF ENGLAND and Wales

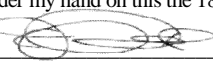
My commission expires: MY COMMISSION EXPIRES AT DEATH

Leone & Co Notaries
 54 Fenchurch Street
 London EC3M 3JY
 Tel. +44 (0)20 3637 2657



Dickman Davenport, Inc
 214.855.5100 www.dickmandavenport.com 800.

Michelle Anderson - October 12, 2017

304	306
<p>1 CHANGES AND SIGNATURE</p> <p>2 WITNESS NAME: MICHELLE ANDERSON OCTOBER 12, 2017</p> <p>3 PAGE LINE CHANGE REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>	<p>1 STATE OF TEXAS)</p> <p>2 COUNTY OF DALLAS)</p> <p>3 I, Jennifer Quick Davenport, Certified</p> <p>4 Shorthand Reporter, in and for the State of Texas,</p> <p>5 certify that the foregoing deposition of</p> <p>6 MICHELLE ANDERSON was reported stenographically by me</p> <p>7 at the time and place indicated, said witness having</p> <p>8 been placed under oath by me; that review was</p> <p>9 requested pursuant to Federal Rule of Civil Procedure</p> <p>10 30(e)(1); and that the deposition is a true record of</p> <p>11 the testimony given by the witness.</p> <p>12 I further certify that I am neither counsel</p> <p>13 for nor related to any party in this cause and am not</p> <p>14 financially interested in its outcome.</p> <p>15 Given under my hand on this the 18th day of</p> <p>16 October, 2017. </p> <p>17 _____</p> <p>18 Jennifer Quick Davenport, Certified</p> <p>19 Shorthand Reporter No. 1683</p> <p>20 Dickman Davenport, Inc.</p> <p>21 Firm Registration #312</p> <p>22 Suite 101</p> <p>23 4228 North Central Expressway</p> <p>24 Dallas, Texas 75206</p> <p>25 214.855.5100 800.445.9548</p> <p>email: jqd@dickmandavenport.com</p> <p>My commission expires 12-31-18</p> <p>Time used by each party:</p> <p>Mr. Sawnie A. McEntire - 0:00</p> <p>Mr. George M. Kryder - 6:05</p>
305	
<p>1 I, MICHELLE ANDERSON, have read the</p> <p>2 foregoing deposition and hereby affix my signature</p> <p>3 that same is true and correct, except as noted above.</p> <p>4 _____</p> <p>5 MICHELLE ANDERSON</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 THE STATE OF _____)</p> <p>11 COUNTY OF _____)</p> <p>12 Before me, _____, on this</p> <p>13 day personally appeared MICHELLE ANDERSON, known to me</p> <p>14 (or proved to me under oath or through</p> <p>15 _____) (description of identity card or</p> <p>16 other document) to be the person whose name is</p> <p>17 subscribed to the foregoing instrument and</p> <p>18 acknowledged to me that they executed the same for the</p> <p>19 purposes and consideration therein expressed.</p> <p>20 Given under my hand and seal of office this</p> <p>21 _____ day of _____, 2017.</p> <p>22 _____</p> <p>23 NOTARY PUBLIC IN AND FOR</p> <p>24 THE STATE OF _____</p> <p>25 My commission expires: _____</p>	